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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,578	03/28/2005	Keiji Yamada	258759US0PCT	2433
22850 7590 01/24/2008 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER YOUNG, NATASHA E	
			ART UNIT 1797	PAPER NUMBER
			NOTIFICATION DATE 01/24/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	Application No. 10/509,578	Applicant(s) YAMADA, KEIJI	
	Examiner Natasha Young	Art Unit 1797	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 March 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/ are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/16/2007</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohno et al (EP 1 142 619 A1).

Regarding claim 1, Ohno et al teaches a honeycomb filter (29, 39) or purifying exhaust gases (see Abstract and figures 8 and 13), comprising: a plurality of rectangular columnar porous ceramic members (F10, F1) combined with one another by a sealing material layer (15) to constitute a ceramic block (ceramic filter assembly), each rectangular columnar porous ceramic member comprising a plurality of through holes (12) that are placed in parallel with one another in a length direction with partition wall (13) interposed therebetween; a circumferential sealing material layer (16) is also formed on a circumference portion of said ceramic block (ceramic filter assembly),

wherein; said partition wall (13) which separates said through holes (12) functions as a filter for collecting particulates (see Abstract and paragraph 0025), and on a cross section perpendicular to the length direction of said porous ceramic member of said ceramic block (where four of the ceramic members meet), the maximum width of the sealing layer is greater than the minimum width of the sealing member (see Abstract and figure 8).

Ohno et al does not teach the maximum width L (mm) of the crisscross portion of said sealing material layer is 1.5 to 3 times greater than the minimum width I (mm) of said sealing material layer.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a maximum width L (mm) of the crisscross portion of said sealing material layer is 1.5 to 3 times greater than a minimum width I (mm) of said sealing material layer, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art.

Claims 2-3 depend on claim 1 such that the reasoning used to reject claim 1 will be used to reject the dependent portions of the claims.

Regarding claim 2, Ohno et al teaches honeycomb filter wherein an outer circumferential face in the length direction has a curved face (see figure 13).

Regarding claim 3, Ohno et al teaches a honeycomb filter (29, 39) wherein on a cross section perpendicular to the length direction of the porous ceramic member (F10) of the ceramic block, for each of a plurality of said crisscross portions (where four of the

ceramic members meet), the maximum width L (mm) of the crisscross portion of said sealing material layer is greater than the minimum width I (mm) of said sealing material layer (see figures 8 and 13).

Ohno et al does not teach the maximum width L (mm) of the crisscross portion of said sealing material layer is 1.5 to 3 times greater than the minimum width I (mm) of said sealing material layer.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a maximum width L (mm) of the crisscross portion of said sealing material layer is 1.5 to 3 times greater than a minimum width I (mm) of said sealing material layer, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art.

Regarding claim 5, Ohno et al teaches a catalyst is applied to the porous ceramic member (see paragraph 0037).

Claims 4 and 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohno et al (EP 1 142 619 A1) in view of Fay, III et al (US 6,040,266).

Claims 4 and 6-7 depend on claim 1 such that the reasoning used to reject claim 1 will be used to reject the dependent portions of the claims.

Regarding claim 4, Ohno et al does not teach a honeycomb filter further comprising a catalyst supporting film is applied to the porous ceramic member.

However, Ohno et al teaches that a catalyst is carried on the honeycomb structure (see paragraph 0037), which may be made of cordierite (see paragraph 0036).

Fay, III et al teaches the use of a washcoat, or catalyst supporting film, on cordierite substrates (see column 2, lines 28-53).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teachings of Ohno et al with the teachings of Fay, III et al for increased surface area onto which the catalyst is applied.

Regarding claim 6, Ohno et al does not teach a catalyst supporting film is applied to the sealing material layer.

However, Ohno et al teaches that a catalyst is carried on the honeycomb structure (see paragraph 0037), which may be made of cordierite (see paragraph 0036).

Fay, III et al teaches the use of a washcoat, or catalyst supporting film, on cordierite substrates (see column 2, lines 28-53).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teachings of Ohno et al with the teachings of Fay, III et al for increased surface area onto which the catalyst is applied.

It would have been an obvious variation to apply the washcoat to the honeycomb filter assembly, since one could as easily coat the bonded members (assembly) as one could coat the separate members and then bond the members together.

Regarding claim 7, Ohno et al does not teach a catalyst is applied to the sealing material layer.

However, Ohno et al teaches a catalyst is applied to the porous ceramic member (see paragraph 0037).

It would have been an obvious variation to apply the catalyst, not only to the ceramic members, but also the sealing material that bond the members together for the predictable result of improved purification.

### ***Response to Arguments***

Applicant's arguments, see page 5, filed December 11, 2007, with respect to the missing space between the words "Periodic" and "Table" have been fully considered and are persuasive. The objection of the specification has been withdrawn.

Applicant's arguments, see page 9, filed December 11, 2007, with respect to the rejection(s) of claim(s) 1 under U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Ohno et al (EP 1 142 619 A1).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Natasha Young whose telephone number is 571-270-3163. The examiner can normally be reached on Mon-Thurs 7:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Walter Griffin can be reached on 571-272-1447. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NY

  
WALTER D. GRIFFIN  
SUPERVISORY PATENT EXAMINER